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September 28, 2004  
David Saliwanchik  
David R. Saliwanchik, Patent Attorney

ELECTION UNDER 35 USC § 121  
Examining Group 1654  
Patent Application  
Docket No. GER-100XCD1  
Serial No. 10/761,509

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Patricia A. Leith  
Art Unit : 1654  
Applicants : John F. Gerber and James H. White  
Serial No. : 10/761,509  
Conf. No. : 4246  
Filed : January 20, 2004  
For : Materials and Methods for the Efficient Production of *Pasteuria*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ELECTION UNDER 35 USC §121 &  
PRELIMINARY AMENDMENT

Sir:

A Petition and Fee for a one-month Extension of Time accompanies this Election/Preliminary Amendment.

In response to the written Restriction Requirement dated July 28, 2004, the applicants hereby elect to prosecute the Group I claims, i.e. claims 1-9 and 20, drawn to a method for producing *Pasteuria* endospores *in vitro* comprising growing *Pasteuria* in a growth medium.

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments follow the amendment sections of this paper.